



# U.S. Customs and Border Protection

## Trade Facilitation

### Overview

This factsheet covers the following topics from the new United States-Mexico-Canada Agreement (USMCA): (1) Trade Facilitation, (2) Customs Initiatives for Trade Facilitation (3) Online Publication, (4) Communication with Traders, and (5) Inquiry Points. The North American Free Trade Agreement (NAFTA) does not cover these provisions or topics.

### References

- **USMCA**
  - *Final Text*: Chapter 7, Articles 7.1, 7.2, 7.3, 7.4, and 7.23
- **NAFTA**
  - No provision.

### Significant Changes in USMCA

Provision	USMCA	NAFTA
<b>Trade Facilitation and Other Listed Provisions</b>	<ul style="list-style-type: none"><li>• <b>New to USMCA</b> – (1) Trade Facilitation, (2) Customs Initiatives for Trade Facilitation (3) Online Publication, (4) Communication with Traders, and (5) Inquiry Points.</li><li>• Most of these provisions already exist in the United States and are consistent with the World Trade Organization – Trade Facilitation Agreement.</li></ul>	<ul style="list-style-type: none"><li>• Not specified.</li></ul>

### Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
<b>Trade Facilitation and Other Listed Provisions</b>	<p><b>Article 7.1: Trade Facilitation</b></p> <ol style="list-style-type: none"><li>1. The Parties affirm their rights and obligations under the <i>Agreement on Trade Facilitation</i>, set out in Annex 1A to the WTO Agreement.</li><li>2. With a view to minimizing the costs incurred by traders through the importation, exportation, or transit of a good, each Party shall administer its customs procedures in a manner that facilitates the importation, exportation, or transit of a good, and supports compliance with its law.</li><li>3. The Parties shall discuss within the Trade Facilitation Committee established under Article 7.24 (Committee on Trade</li></ol>	<ul style="list-style-type: none"><li>• Not specified.</li></ul>

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Provision	USMCA	NAFTA
	<p>Facilitation) additional measures to facilitate trade. The Parties are encouraged to adopt additional measures that build on the obligations in this Chapter with a view to further facilitating trade.</p> <p><b>Article 7.2: Online Publication</b></p> <ul style="list-style-type: none"> <li>• Each Party shall make available on a free, publicly accessible website the following information and update such information as necessary: <ul style="list-style-type: none"> <li>a) an informational resource that describes the procedures and practical steps an interested person needs to follow for importation into, exportation from, or transit through the territory of the Party;</li> <li>b) the documentation and data that it requires for importation into, exportation from, or transit through its territory;</li> <li>c) its laws, regulations, and procedures for importation into, exportation from or transit through its territory;</li> <li>d) web links to all current customs duties, taxes, fees, and charges it imposes on or in connection with importation, exportation, or transit, including when the fee or charge applies, and the amount or rate;</li> <li>e) contact information for its enquiry point or points established or maintained pursuant to Article 7.4 (Enquiry Points);</li> <li>f) its laws, regulations, and procedures for becoming a customs broker, for issuing customs broker licenses, and regarding the use of customs brokers;</li> <li>g) informational resources that help an interested person understand their responsibilities when importing into, exporting from, or transiting goods through its territory, how to be compliant, and the benefits of compliance; and</li> <li>h) procedures to correct an error in a customs transaction, including the information to submit and, if applicable, the circumstances when penalties will not be imposed.</li> </ul> </li> </ul>	

Provision	USMCA	NAFTA
	<p><b>Article 7.3: Communication with Traders</b></p> <ol style="list-style-type: none"> <li>1. To the extent possible, in accordance with its law, each Party shall publish, in advance, regulations of general application governing trade and customs matters that it proposes to adopt and shall provide interested persons the opportunity to comment before the Party adopts such regulations.</li> <li>2. Each Party shall adopt or maintain a mechanism to regularly communicate with traders within its territory on its procedures related to the importation, exportation, and transit of goods. These communications shall provide traders with an opportunity to raise emerging issues and provide their views to the customs administration on these procedures.</li> </ol> <p><b>Article 7.4: Enquiry Points</b></p> <ol style="list-style-type: none"> <li>1. Each Party shall establish or maintain one or more enquiry points to respond to enquiries by interested persons concerning importation, exportation, and transit procedures.</li> <li>2. A Party shall not require the payment of a fee or charge for answering enquiries under paragraph 1.1</li> <li>3. Each Party shall ensure that its enquiry points respond to enquiries within a reasonable period of time, which may vary depending on the nature or complexity of the request.</li> </ol> <p><b>Article 7.23: Customs Initiatives for Trade Facilitation</b></p> <ol style="list-style-type: none"> <li>1. The Parties shall cooperate in the development and implementation of customs initiatives related to the trade facilitation measures described in this Section, as well as on other trade facilitation initiatives.</li> <li>2. This cooperation may include information sharing or collaboration with respect to: <ol style="list-style-type: none"> <li>a) best practices on the implementation of customs procedures;</li> <li>b) the management of customs and trade compliance measures;</li> </ol> </li> </ol>	

Provision	USMCA	NAFTA
	<ul style="list-style-type: none"><li>c) engagement between the customs administrations at the operational level to address issues related to regular cross-border operations and to resolve specific cases,</li><li>d) including pending shipments; the development and implementation of procedures to facilitate cross border trade and improve customs operations related to the movement, release, and clearance of goods;</li><li>e) the harmonization of cargo manifest data requirements in each mode of transportation;</li><li>f) the implementation of programs designed to facilitate the movement of goods through their ports of entry, including, if feasible, alignment of hours of service, joint customs inspections, and the use of shared facilities; and</li><li>g) the design, development, and construction of ports of entry located at their common borders.</li></ul>	